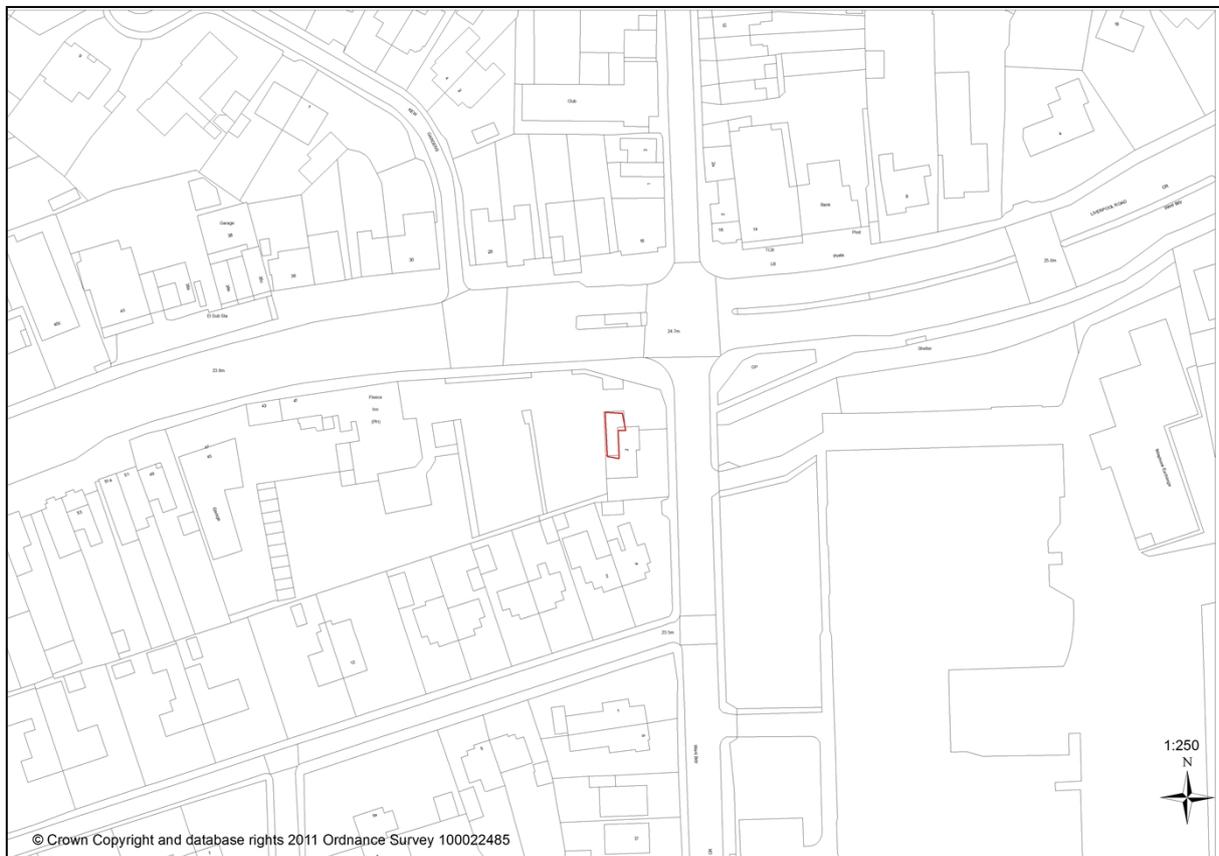


Application Number	07/2019/5782/FUL
Address	27 Liverpool Road Penwortham Preston Lancashire
Applicant	Mr Luciano Ciavatta
Agent	A&T Architectural Design Ltd 115 Church Street
Development	Change of use from office (B1) to hot food takeaway (A5)
Officer Recommendation	Refusal
Officer Name	Mrs Debbie Roberts
Date application valid	26.6.2019
Target Determination Date	21.8.2019
Extension of Time	None



1. Report Summary

1.1. No: 27 Liverpool Road, Penwortham is a semi-detached property located at the corner of Cop Lane and Liverpool Road, Penwortham. Accessed from Cop Lane the property wraps around the lower two floors of the five storey Water Tower; currently in residential use. The property as a whole is a locally listed structure, sitting within both Penwortham District Centre and Rawstorne Road Conservation Area.

1.2. The applicant seeks permission for a change of use of the property from an estate agents (Use Class A2) to hot food takeaway (Class A5), replacement shop front and installation of a flue to the side elevation at first floor level.

1.3. The replacement shop front has been designed in a manner appropriate to the heritage asset and its setting without any loss of, or detriment to original fabric. The use proposed however is likely to result in unacceptable levels of additional noise, odour and general activity abutting, and at the same level as lounge and kitchen areas (ground floor) and bathroom/bedroom space (first floor) of the residential Water Tower. In addition, the visual appearance of the proposed flue which discharges next to third floor bedroom window would be incongruous to, and impact in a negative visual way on the locally listed property, The Fleece public house (Grade II listed), the conservation area and retail centre as a whole.

1.4. Proposed waste storage would also be particularly visible from both Liverpool Road and Cop Lane; a retail area where service space is predominantly out of sight at the rear of commercial premises.

1.5. Representation has been made by three residents – two in support and one objecting to the scheme. Objections to the scheme have also been received from Penwortham Town Council and Environmental Health.

1.6. On balance the proposal is not considered policy compliant, and is recommended for refusal for the following reasons. The applicant's agent was advised of this recommendation on three occasions (23rd and 29th July (e mail) and 5th August (Voicemail)) to allow for changes to be made to the scheme but has not responded.

- By reason of increased noise, odours and general activity associated with a hot food takeaway, particularly during evening hours, the proposed change of use would be detrimental to the amenity of neighbouring residential properties, particularly the residents of the Water Tower as contrary to Policy G17 of the South Ribble Local Plan and Core Strategy Policy 17
- That by virtue of its scale, siting and design the proposed flue and waste storage area are considered to have a detrimental impact on the character and visual appearance of the Rawstorne Road Conservation Area, Penwortham District Retail Centre and the setting of a Grade II listed building (The Fleece Inn) as contrary to Policy G17 of the South Ribble Local Plan, Central Lancashire Core Strategy Policy 16 and the National Planning Policy Framework 2019.

2. Application Site and Surrounding Area

2.1. No: 27 Liverpool Road, Penwortham is a semi-detached property located at the corner of Cop Lane and Liverpool Road, Penwortham. Accessed from Cop Lane the property wraps around the lower two floors of the five storey Water Tower; currently in residential use.

2.2. The property comprises two storeys of office space with a kitchen at ground floor and WC/store room at first floor. A small area of hardstanding is present to the front with access from Liverpool Road via a car park associated with, and separating the property from The Fleece pub (Grade II listed). Attached to the rear and abutting proposed and existing kitchen space is the Water Tower's single storey conservatory; the tower is screened at the front by a privet hedge.

2.3. The property sits within both Penwortham District Centre and Rawstorne Road Conservation Area, for which an Article 4 Direction exists. The Water Tower and proposal site combined are also locally listed as identified by the Penwortham Neighbourhood Development Plan.

3. Site Context / Planning History

3.1. There is no planning history for this site, although application 07/2019/5877/FUL (change of use to tattoo studio) is yet to be determined.

4. Summary of Supporting Documents

4.1. The application is accompanied by the following documents:

- Design & access statement
- Existing and proposed drawings (2086/PL001: A&T)
- Extraction canopy specifications
- Noise assessment
- Site location/block plan (2086/PL002: A&T)
- Ventilation specifications & extraction statement
- Waste management statement

5. Proposal

5.1. The application seeks change of use of the property from an estate agents (Use Class A2) to hot food takeaway (Class A5), replacement shop front and installation of a flue to the side elevation at first floor level.

5.2. A large window in the elevation facing Liverpool Road would be replaced with bi-fold doors into a waiting area, but otherwise external changes to the building itself would be minimal.

5.3. Kitchen extraction would however be installed with a new flue exiting through the side wall – facing The Fleece and its car park at 2.3m from ground level. At 400mm diameter, it would be 3.7m high, culminating at 700mm above the roof plane to a maximum height of 6m from ground level. Flues are typically made of steel or aluminium.

5.4. The applicant suggests that the proposal would employ two full time staff – a reduction of one on the previous tenant, and would be open from 12am till 10pm daily, including Sundays, bank and public holidays. Food delivery companies (Just Eat/Uber) will be used to collect and deliver customer orders in addition to the takeaway business. Parking is available to the front of the property and on-road, and there is additional parking adjacent although this is a private car park associated with The Fleece and should not be taken into account.

5.5. A waste management statement states that waste bins would be located to the side of the property - facing, and with removal from the main access way on Liverpool Road. A noise impact assessment has also been provided but this is limited in detail. Should permission be granted a condition to require more information is considered necessary.

6. Representations

6.1. A site notice and newspaper advertisement have been posted, and fourteen neighbouring properties consulted.

6.2. Two letters of support have been received from residents who feel that the scheme would be a welcome addition to the area. It should be noted however that both are located more than a mile from the premises and would be unaffected by the proposal.

6.3. One A letter of objection has also been received from a neighbouring resident whose comments are summarised as:

- That the proposal has been advertised as change of use from office (B1) not (A2) as is its lawful use. Whilst this comment is correct, the most pertinent part of the proposal is the final rather than the former use of the premises. The description has however since been changed.
- The applicant has not successfully justified the loss of a retail unit which would result in an active ground floor daytime unit – in planning terms an A2 (Financial and professional services) is not regarded as a retail premises. Retail impact is discussed further at Para 8.6 below.
- Proposed development would cause harm to the appearance and setting of the Water Tower and Conservation Area in conflict with adopted local policy and national planning legislation.
- The appearance of the former business was ‘benign’ and imposed little visual disturbance to the wider area unlike the proposed flue which is visibly unacceptable
- The proposed change would introduce levels of activity which adversely affect the residential amenity of neighbouring residents.
- Noise from the flue would be of a ‘tonal’ continuous nature with potential to be a statutory nuisance – noise impact has been assessed by Environmental Health at Para 7.2 below
- Conditions to control business hours of operation necessary to protect amenity would not meet the tests of reasonableness for a Class A5 use (planning conditions are subject to 6 tests which must always be met)
- That the proposal must be determined in accordance with the local development plan

6.4. Penwortham Town Council also object to the proposal noting that the property is locally listed by the Penwortham Neighbourhood Development Plan and ‘*extensions or alterations should be designed sympathetically, without detracting from or competing with the property. Proposals should relate in terms of style, massing height and materials*’. Their objection is further summarised as:

- The change of use and external venting fails to comply with the NPD in visual terms
- Proximity of the proposal to the Conservation Area and Fleece Inn which should be protected as significant historic assets
- The public benefits of the proposal do not outweigh the harm to the historic asset as required by Para 133 of the NPPF 2018 (now Para 195 NPPF 2019)
- Use of the site is out of keeping with the character and appearance of the area (Policy B1)
- Change from regular office hours to extended late opening hours would impact upon the amenity of local residents
- Respondent refers to Policy E4 which seeks to retain A1 and A3 use to maintain the viability and vitality of the area, and prevent an over proliferation of non-A1 uses – the existing use is within the A2 class

- Parking provision falls short of that required for A5 use
- Town Council has concerns that a hot food takeaway would be too close to Penwortham Girls High (550m south-east)

7. **Summary of Responses**

7.1. **Lancashire County Council Highways** have no objection to the proposal which is within an accessible location. It is considered that waiting restrictions in the vicinity of the site would control on road parking, and the proposal would not have a severe impact upon highways safety or capacity.

7.2. **Environmental Health** have considered the proposal and note that the extractor flue discharges next to an opening (bedroom) window on the Water Tower which would result in odour and noise nuisance. EH therefore objects to the proposal and recommends refusal of the development on the grounds that it has the potential to significantly and adversely affect surrounding land uses; principally nearby residential properties. EH also note that insufficient information has been supplied with regards to noise and odour nuisance. Should permission be granted conditions to require pre-commencement assessments of the same are therefore considered necessary.

8. **Material Considerations**

8.1. Site Allocation Policy

8.1.1. The site is designated as within both the Conservation Area and Penwortham District Centre, to which Core Strategy Policy 16 (Heritage Assets) and Local Plan Policies G17 (Design) and E4 (District Centre) refer.

8.2. Character and Appearance of the Area / Historic Significance

8.2.1. Core Strategy Policy 16 seeks to protect heritage assets and their setting by supporting development which enhances the assets historic significance.

8.3. Chapter 16 of the National Planning Policy Framework recognises heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance, for the wider benefit of the asset and its environment. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. (Para 190).

8.4. Whilst local planning authorities should take account of the desirability of putting a heritage asset to its optimal viable use, when making decisions great weight should be given to the assets conservation, so as to ensure that alterations do not detract from the property, and relate in terms of style, massing height and materials. (Paras 79 and 195). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or development within its setting), should require clear and convincing justification. Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm (Para 195)

8.5. The effect of an application on the significance of non-designated heritage assets such as the setting of the wider area should also be taken into account in determining the application.

8.5.1. In addition, the Penwortham Town Neighbourhood Development Plan identified this property for inclusion on its list of locally important, historic buildings. The South Ribble Local List for Penwortham reflects this stance.

8.5.2. Local Plan Policy G17 supports these sentiments but considers design in more detail. It ensures that developments do not impact upon the amenity of neighbouring residents, the character and appearance of the area and highways safety or capacity

8.5.3. The proposed flue would be visible from The Fleece Inn, Cop Lane and Liverpool Road. Flues are designed to be practical rather than visually attractive, and by necessity protrude beyond the existing roof plane. As such, if placed on the side of a traditional building, within a conservation area and in full sight of the Grade II listed Fleece Inn the two storey height flue would be an incongruous addition in a designated heritage area. Flues are generally located out of sight of main thoroughfares and its presence would also detract from the visual appearance of the retail centre within which it would enjoy a focal point position. Similarly commercial waste storage which would be visible from the Cop Lane/Liverpool Road junction would impact unacceptably on the setting of the wider area. Currently waste is stored in domestic sized bins but it is likely that when taking into account the proposed use larger commercial receptacles would be required.

8.5.4. When considering residential amenity it is felt that the proposed change of use which would operate daily until 10pm would introduce unacceptable levels of noise, odour and general activity to a property where previously this has not been the case. Delivery drivers would attend and leave the site on a regular basis, as would users of the takeaway, and the flue would discharge directly outside the Water Towers third floor window.

8.5.5. Visual appearance, loss of character and appearance and the impact that the proposal would have on the historic environment and residential amenity are therefore relevant and necessary reasons for refusal

8.6. Retail Impact Assessment

8.6.1. Local Plan Policy E4 (District Centres) aims to protect and enhance the vitality and viability of District Centres to avoid any demonstrable harm to the shopping offer in Penwortham. The South Ribble Retail Position Statement (Nov 2018) in addition seeks to ensure that 60% of units in Penwortham District Centre are of A1 use, with A3 (Café/restaurant) also being encouraged. In November 2018 Penwortham has a potential 53% of A1/A3 uses (including 5% vacant premises).

8.6.2. That being said, the former use of 27 Liverpool Road sat within the A2 use class and as such a change of use to a hot food takeaway (A5) would not affect the overall percentage. It could also be argued that commercial use in any form is preferable to a vacant property, but it has to be acknowledged that the proposed takeaway which would result in a closed frontage until its lunchtime opening would be less favourable in a retail setting.

8.7. Highways, Access and Parking

8.7.1. Local Plan Policy F1 requires that new developments provide off road parking in line with adopted parking standards. In the case of this proposal this equates to 10 car spaces of which one would be for mobility use, 1 cycle and 1 motorbike space. A reduction may be made in locations which are particularly sustainable. Parking to the front and sides of the premises amount to no more than 4 cars on unmarked hardstanding. Parking is available to the rear but this is signposted as private parking for The Fleece pub and as such cannot be taken into account. LCC do not however have any objections on highways grounds

8.7.2. Impact Upon Neighbouring Properties

8.7.2.□.1. Other than the Water Tower (attached), the closest residential property would be no's 2 and 4 Rawstorne Road whose rear elevations face the proposal property at approximately 15m distance, and whilst screened by existing hedgerow the flue would be fully visible from this property. Any loss of amenity to the occupants of properties on Rawstorne Road is likely to be from increased activity rather than from loss of privacy or overlooking

8.7.2.□.2. Other adjacent properties are commercial in nature and at least 40m away; more than acceptable for a proposal of this nature.

9. Conclusion

9.1. The application proposes change of use from an estate agents to a hot food takeaway with ancillary works. Having regard to adopted policy and the above commentary it is considered that the proposal is not policy compliant and should be refused.

RECOMMENDATION:

Refusal.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

16 Heritage Assets

South Ribble Local Plan 2012-2026

E4 District Centres

F1 Parking Standards

G17 Design Criteria for New Development

Penwortham Neighbourhood Development Plan